

Statement of Joseph R. Sculley
President
Motor Transport Association of Connecticut
Before
The Joint Committee on Judiciary
March 2, 2016

Re: House Bill No. 5403 AN ACT INCREASING PENALTIES FOR FAILURE TO YIELD TO PEDESTRIANS IN CROSSWALKS AND FAILURE TO EXERCISE DUE CARE TO AVOID HITTING A PEDESTRIAN OR CYCLIST.

I am Joseph R. Sculley, President of Motor Transport Association of Connecticut (MTAC), a statewide trade association, which represents nearly 700 companies that operate commercial motor vehicles in and through the state of Connecticut. Our membership includes freight haulers, movers of household goods, construction companies, distributors, tank truck operators, and hundreds of companies that use trucks in their business and firms that provide goods and services to truck owners.

MTAC OPPOSES THIS BILL.

This bill increases the fine, to up to \$500, for the ill-defined offense of failure on the part of a vehicle operator to “exercise due care to avoid colliding with any pedestrian or person propelling a human powered vehicle” and giving “reasonable warning by sounding a horn or other lawful noise emitting device to avoid a collision”. Failure to “exercise due care” is a subjectively contemplated offense which provides no standard for determining what “due care” is.

The fine is disproportionate and the statute imposes no concomitant requirement on pedestrians or bicyclists to exercise due care to avoid colliding with a vehicle. Not every incident involving a vehicle/pedestrian/bicyclist accident is caused by the vehicle. There is no provision in this law that protects a vehicle operator from the reckless operation of bicycles or dangerous actions by pedestrians who cause accidents.

The National Motorists Association is a national drivers' rights organization with members in all 50 states. In testimony on a similar bill in California they made the following statement:

Those who share the roads—motorists, motorcyclists, bicyclists, and pedestrians—have an equal responsibility to follow the same traffic regulations and therefore have equal responsibility for the safety of fellow road users. Penalties for causing injury should be based on the degree of injury and not on whether the parties to the accident were behind the wheel, pedaling a bike or walking. Linking penalties to such standards sets up false distinctions among road users and unfairly makes some users more accountable for highway safety than others.

While the objective of AB 2398—to make California's roadways safer—is admirable, the means for achieving it—higher penalties—will likely fail. This is because enhanced penalties have little impact on driver behavior and therefore on accident rates. To illustrate, the Texas Transportation Institute (TTI) at Texas A & M University studied the effect of Texas legislation that doubled fines for speeding in highway work zones and concluded that the law had “no significant effect on driving behavior¹.” Additionally, TTI analyzed the impact of similar state laws across the country and found “no consistently measurable effect upon fatal work zone accident frequency².”

The fine of up to \$500 exceeds the fine for speeding, construction zone violations, cell phone usage, and texting while driving. These are all much more dangerous violations than “failure to exercise care.”

Additionally, MTAC strongly objects to the provision in Section 4, which adds this violation to the list of offenses to which a \$15 surcharge is added to be remitted to the town where the alleged violation occurred. This is nothing more than a diversion of additional funds which should be revenue to the Special Transportation Fund. We have always opposed incentivizing local law enforcement personnel by providing surcharges to tickets they issue. It is too easy for municipalities to ramp up enforcement in order to bring additional revenue to the towns' coffers. If fines are imposed for motor vehicle violations, they should be deposited in the Special Transportation Fund and not provide additional revenue to municipalities.

At a time when we are debating “lock-boxes” this bill provides a clear example of the way that diversions of revenues away from transportation funds have occurred. We urge the Judiciary Committee to reject this bill. Thank you.